King County	Department of Adult and Juvenile Detention All Divisions General Policy Manual **Chapter 5** **Intake, Transfer and Release**	
5.02.017, **ICE Detainers and Administrative Warrants, Gathering Immigration Related Information and Consular Notification/Access, and Access to Residents and Records by Federal Immigration Authorities**	Approved By:	Director Allen Nance
	Effective Date:	March 26, 2024
	Reviewed By:	PRC
	Review Date:	February 28, 2024
Distribution:	Document Code No.	

Statement of Purpose
The purpose of this policy is to describe actions necessary to comply with county code and state law related to resident immigration status and access by federal immigration authorities to residents and information absent an appropriate criminal warrant. The county and state have taken actions to limit the collection of data regarding citizenship and place of birth, and to limit involvement in civil immigration matters. Additionally, the policy is intended to clarify issues of consular notification.

Policy
Detainers and Administrative Warrants: DAJD will only honor Immigration Detainers (including notification requests) or Administrative Warrants that are accompanied by a criminal warrant issued by a U.S. District Court Judge or magistrate.
Gathering Immigration Related Information and Consular Notification: DAJD will not inquire about, or request from any person booked into DAJD facilities information about their citizenship or immigration status or place of birth. However, if DAJD becomes aware that a resident is a Foreign National it will ensure that consular notification is pursued in accordance with applicable law.
Access to Inmates by Federal Immigration Authorities: DAJD will not permit ICE, CBP or USCIS officers, agents or their representatives access to residents without a judicial criminal warrant.
Limited Access to Records and Information by Federal Immigration Authorities: DAJD will not release resident records to ICE, CBP, or USCIS officers, agents or employees beyond what is available to the public under state law without an accompanying criminal warrant issued by a U.S. District Court Judge or magistrate. DAJD will not provide ICE, CBP, or USCIS officers, agents or employees access to non-public databases or interfaces under the control of DAJD, such as JILS LE.

DAJD employees may not provide any information, including information in response to a notification request, to ICE, CBP, or USCIS, except as noted below, without an accompanying criminal warrant issued by a U.S. District Court Judge or magistrate. The fact that some resident records may be available to the public does not mean that DAJD staff may discuss the information contained in those records with ICE, CBP, or USCIS officers, agents or employees. Staff may refer federal immigration authorities to DAJD public-facing websites but will not expend DAJD resources providing federal immigration authorities with information available on these websites.

Exception to Limited Access to Information by Federal Immigration Authorities: Under federal law, 8 U.S.C. Section 1373, local governments may not prohibit their employees from discussing a person's "immigration and citizenship status" with federal officials. While it would be unusual for a DAJD employee to have definitive information about the actual immigration status of residents, discussions about a resident's "immigration status and citizenship" are not prohibited by this policy.

References

K.C.C.	Chapter 2.15
Federal	8 U.S.C. 1373
	Vienna Convention on Consular Relations, Article 36
RCW	70.48.100
	43.43.705
	ESSSB 5497
Department Forms	Consular Notification Form (F-620)
	Notice of Request for Hold (F-808)
Department Policy	1.01.012, Release of Information
	5.01.001, Intake Procedures
	5.02.003, Booking of Foreign Nationals
	5.02.004, Booking Procedures

Definitions

Administrative Warrant: A noncriminal immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal or any other document, issued by the USDHS sub-agencies ICE, CBP, or USCIS that can form the basis for a person's arrest or detention for civil immigration enforcement purposes. An administrative warrant forms include the U.S. DHS form I-200 (Rev. 09/16) "Warrant of Arrest of Alien" and Form I-205 "Warrant of Removal/Deportation," as well as predecessor and successor versions, and civil immigration warrants entered in the National Crime Information Center (NCIC) database.

CBP: The United States Customs and Border Protection agency of the United States Department of Homeland Security and shall include any successor federal agency charged with border enforcement.

Criminal Justice Agency: Agencies whose principal function is to apprehend, prosecute, adjudicate, or rehabilitate "criminal offenders."

DHS: The United States Department of Homeland Security.

Immigration Detainer: A request from ICE, CBP, or USCIS for DAJD to provide notice of release or maintain custody of a person based upon an alleged violation of civil immigration law. An immigration detainer includes a detainer issued under sections 236 or 287 of the Immigration and Nationality Act, 287.7 or 236.1 of Title 8 of the Code of Federal Regulations.

An immigration detainer also includes a detainer issued under DHS form I-247A entitled Immigration Detainer – Notice of Action, as well as predecessor or successor versions.
ICE: The United States Immigration and Customs Enforcement agency including Enforcement and Removal Operations and Homeland Security Investigations and shall include any successor federal agency charged with the enforcement of immigration laws.
USCIS: The United States Citizenship and Immigration Services agency of the United States Department of Homeland Security and any successor agency charged with overseeing United States immigration laws.

General Guidelines

A. Immigration Detainers and Administrative Warrants

1. DAJD will only honor Immigration Detainers and Administrative Warrants that are accompanied by a criminal warrant issued by a U.S. District Court Judge or magistrate.
2. Upon receiving an Immigration Detainer or Administrative Warrant DAJD staff shall provide a copy of the Immigration Detainer or Administrative Warrant to the subject resident and inform the resident whether DAJD intends to comply with the Immigration Detainer or Administrative Warrant (Form F-808).
3. Parole assurance letter agreements, whereby a foreign national is extradited into King County to face trial on criminal matters on the condition that the foreign national is returned to federal custody immediately upon the completion of the criminal matter, are not prohibited and will be honored by DAJD.

B. Gathering Immigration Related Information and Consular Notification

1. DAJD will not inquire about, or request from any person booked into DAJD facilities information about their citizenship or immigration status or place of birth.
2. However, if DAJD becomes aware that a resident is a Foreign National it will ensure that consular notification pursuant to the Vienna Convention and/or U.S. bilateral treaties is pursued in accordance with the consular notification procedure detailed below. An example of when this could occur are when the resident volunteers that he or she is a foreign national and requests consular notification or when DAJD arrests someone who presents a foreign passport for identification.

C. Access to Inmates by Federal Immigration Authorities:

1. DAJD will not permit ICE, CBP or USCIS officers, agents or representatives' access to a resident without a criminal warrant issued by a U.S. District Court Judge or magistrate.

D. Access to Records and Information by Federal Immigration Authorities:

1. The Department will not release resident records, beyond what is available to the public under RCW 70.48.100(1) to ICE, CBP, or USCIS officers, agents or employees. The fact that some resident records may be available to the public does not mean that DAJD staff may discuss the information contained in those records with ICE, CBP, or USCIS officers, agents or employees.
2. DAJD employees may not provide any information, including a person's next court date or release date, to ICE, CBP, or USCIS officers, agents or representatives, except that nothing in this policy prohibits DAJD employees from sending to, receiving from, requesting from, or exchanging with any federal, state or local governmental agency information regarding the immigration status of a person or from maintaining such information. Staff may direct federal immigration authorities to DAJD public-facing websites.
3. The Department will not provide ICE, CBP, or USCIS officers, agents or employees access to non-public databases or interfaces under the control of DAJD, such as JILS LE.

Procedure

A. Consular Notification

If a resident seeks consular notification or DAJD becomes aware, without making an inquiry, that a resident is a Foreign National, Officers shall follow DAJD Policy, 5.02.003, Booking of Foreign Nationals.

B. Access to Records and Information by Federal Immigration Authorities:

The Department will monitor databases and interfaces under DAJD control such as JILS LE, to ensure ICE, CBP, or USCIS officers, agents or employees have not been provided access.